

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

FRED BECK; ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:03CV60-P-D

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;
ET AL.,**

DEFENDANTS.

CONSOLIDATED WITH

HOPE ELLIS, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:04CV160-P-D

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;
ET AL.,**

DEFENDANTS.

ORDER

This matter comes before the court upon Defendant Koppers, Inc. and Beazer East, Inc.'s Motion for Reconsideration of May 17, 2006 Order Transferring This Matter for Trial to the Greenville Division, or, in the Alternative, Motion for Certification of Issue for Interlocutory Appeal [1065-1]. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

For the reasons discussed in its May 17, 2006 Order, in which the court transferred the location of trial from Oxford to Greenville, the instant motion should be denied. The court notes that in the subject Order, the court did not transfer venue in this case from the Western Division to the Greenville Division; rather, it simply changed the location of trial. It is within the practice of the Northern District of Mississippi to allow a court the discretion to try any case assigned to a given

judge at his duty station. In the Northern District, when one files in a given division, the judge is assigned randomly. This is opposed to the Southern District of Mississippi wherein a given division is assigned to a certain judge.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant Koppers, Inc. and Beazer East, Inc.'s Motion for Reconsideration of May 17, 2006 Order Transferring This Matter for Trial to the Greenville Division, or, in the Alternative, Motion for Certification of Issue for Interlocutory Appeal [1065-1] is **DENIED** in both respects.

SO ORDERED this the 25th day of July, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE